

HOUSE No. 3356

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph F. Wagner

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the chapter 90 program.

PETITION OF:

NAME:

Joseph F. Wagner

DISTRICT/ADDRESS:

8th Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3677 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE CHAPTER 90 PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by striking out the introductory paragraph and
3 subdivision (a) and inserting in place thereof the following:-
4 Not less than 90 per cent of the balance then remaining shall be used exclusively-
5 (a) For expenditure, under the direction of the department, for maintaining, repairing, improving and
6 constructing town and county ways and bridges, sidewalks adjacent to the ways and bridges, bikeways
7 and for design and engineering expenses, together with any money which any town or county may
8 appropriate for such purposes. The ways, bridges, bikeways and sidewalks shall remain town and county
9 ways, bridges, bikeways and sidewalks. The remaining 10 per cent of the balance may be used in a
10 manner and for the purposes described above or may be used for expenditures, under the direction and
11 approval of the department, for other projects eligible for funding as a transportation enhancement project
12 as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage
13 sheds, public use off-street parking facilities related to mass transportation, expenses related to highway
14 transportation enhancement and mass transportation purposes, for care, repair, storage, replacement,
15 purchase and long-term leasing of road building machinery, equipment and tools, for the erection and
16 maintenance of direction signs and warning signs and for necessary or beneficial improvements to
17 unpaved town and county ways together with any money which a town or county may appropriate for
18 such purposes to be used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and
19 facilities. The department shall send written notification to each town advising of the funds apportioned
20 to said town for eligible projects no later than April 1 of each year. Each town shall submit to the
21 members of the general court a written plan outlining the projects for which such funds shall be applied
22 no later than April 15 of each year, and further, each town shall submit to the members of the general
23 court a written report explaining how funds authorized pursuant to this chapter were spent and advising as
24 to the amount, if any, of any unexpended funds no later than December 15 of each year. No revenue
25 credited to the Highway Fund shall be transferred from said fund to any other fund for any other purpose;

26 provided, however, that such revenue shall be transferred in order to cover fringe benefit costs pursuant to
27 section 5D or subsection (f) of section 6B of chapter 29. The department shall withhold or withdraw the
28 unexpended balance of any funds assigned by it under this subdivision if a town fails to comply with the
29 official standards for traffic control established by the department or with any traffic control agreement
30 negotiated between the department and a town, as required by the United States Secretary of Commerce
31 under 23 U.S.C. 109. In this subdivision, the word “town” shall include city; provided, that towns with a
32 population of less than 10,000 persons according to the 2000 United States Census shall be allowed to
33 petition said department for a waiver in the department’s discretion from the percentage limitation.